APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,515	06/26/2003	Brett Error	32021-07132	9313

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EXAMINER
FRITZ, BRADFORD F

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
09/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	**Applicant(s)**	
Office Action Summary	10/608,515	ERROR ET AL.	
	Examiner	**Art Unit**	
	Bradford F. Fritz	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 June 2007_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-29_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _4/3/2007_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-29 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Objections

2.   Claim 29 is objected to under 37 CFR 1.75 as being a substantial duplicate of

claim 28. When two claims in an application are duplicates or else are so close in

content that they both cover the same thing, despite a slight difference in wording, it is

proper after allowing one claim to object to the other as being a substantial duplicate of

the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 3, 11, 13, 16, 19, and 21-29 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

5.   Claims 21, 22, 25, 26, 28, and 29 recite the limitation "the same resource".

There is insufficient antecedent basis for this limitation in the claim.

6.   Claim 28 recites the limitation "both sent requests". There is insufficient
antecedent basis for this limitation in the claim.

7.   Claim 29 recites the limitation "the first sent requests". There is insufficient
antecedent basis for this limitation in the claim.

8.   Claim 29 recites the limitation "the second sent request". There is insufficient
antecedent basis for this limitation in the claim.

9.   Claims 3, 11, 13, 16, 19, 23, 24, and 27 are rejected under 35 U.S.C. 112,
second paragraph, as being indefinite for failing to particularly point out and distinctly
claim the subject matter which applicant regards as the invention because the term "do
not repeat indicator" in claims 3, 11, 13, 16, 19, 23, 24, and 27 is a vague and unclear,
which renders the claims indefinite. The term "do not repeat indicator" is not defined by
the claim, the specification does not clearly define the term, and one of ordinary skill in
the art would not be reasonably apprised of the scope of the invention. The Examiner
notes that it is unclear as to what action the indicator is referring to, and that the " do not
repeat indicator " could be referring to any action that is not to be repeated. For
examination purposes the "do not repeat indicator" will be equated to simply meaning
any visitor identifier (*i.e. a valid cookie*) and the thing not to be repeated will be equated
to not assigning a new visitor identifier (*i.e. assigning a new cookie*) if valid one already
exists. The Examiner notes that this is not the only reasonable interpretation of a "do
not repeat indicator" and that there are many other possible interpretations of such a
vague term.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnett

et al. (6,766,370), hereinafter referred to as Barnett.

12.   Regarding claims 1 and 18, Barnett disclosed a method comprising the steps of:

a.) receiving a request for a resource, the request originating at a client (column 16,

lines 41-65 and Fig. 17); b.) determining whether the request for the resource includes a

visitor identifier (column 16, lines 41-65 and Fig. 17, *the session ID in the cookie*); c.)

responsive to the request not including the visitor identifier: assigning a new visitor

identifier (column 16, lines 41-65 and Fig. 17); and sending a redirection request with

the new visitor identifier to the client (column 16, lines 41-65 and Fig. 17); d.)

categorizing data sent with the request for the resource (column 16, lines 41-65 and Fig.

17); and e.) repeating steps a-d until reaching a session expiration (column 16, lines 41-

65 and Fig. 17).

13.   Regarding claims 3 and 19, Barnett disclosed a method comprising the steps of:

a.) receiving a request for a resource from a requestor, the request having an address

(column 16, lines 41-65 and Fig. 17); b.) determining whether the request for the

resource included a do not repeat indicator (column 16, lines 41-65 and Fig. 17,

determining whether the request included a cookie with a valid session ID); c.)

responsive to the request including the do not repeat indicator (column 16, lines 41-65

and Fig. 17), assigning a visitor identifier from the requestor's address (column 16, lines

41-65 and Fig. 17); d.) categorizing data received with the request for the resource

(column 16, lines 41-65 and Fig. 17); and e.) repeating steps a-d until reaching a

session expiration (column 16, lines 41-65 and Fig. 17).

14.   Regarding claim 11, Barnett disclosed a device comprising: a communication

interface for receiving a request for a resource and sending a visitor identifier (column

16, lines 41-65 and Fig. 17); a cookie handler coupled to the communications interface

for testing the request for the resource (column 16, lines 41-65 and Fig. 17); checking

whether a do not repeat indicator is present in the request for the resource (column 16,

lines 41-65 and Fig. 17); and assigning the visitor identifier (column 16, lines 41-65 and

Fig. 17); a session controller coupled to the cookie handler for signaling a session end

for a particular visitor identifier (column 16, lines 41-65 and Fig. 17); and, a repository

for storing data sent with the request for the resource (column 16, lines 41-65 and Fig.

17).

15.   Regarding claim 14, Barnett disclosed a method comprising the steps of: sending

a request for a resource to a data collection server (column 16, lines 41-65 and Fig. 17);

in response to the request not including a visitor identifier: receiving a new visitor

identifier and a redirection request from the data collection server (column 16, lines 41-

65 and Fig. 17); sending the request for a resource with the new visitor identifier to the

data collection server; and, receiving the requested resource (column 16, lines 41-65
and Fig. 17).

16.   Regarding claim 16, Barnett disclosed a method comprising the steps of: sending
a request for a resource to a data collection server (column 16, lines 41-65 and Fig. 17);
in response to the request not including a visitor identifier: receiving a do not repeat
indicator and a redirection request from the data collection server (column 16, lines 41-
65 and Fig. 17); sending the request for a resource with the do not repeat indicator to
the data collection server; and, receiving the requested resource (column 16, lines 41-
65 and Fig. 17).

17.   Regarding claims 2, 4, 6, 8, 12, 15, 17, and 20 Barnett disclosed a method
wherein the visitor identifier comprises a cookie (column 16, lines 41-60).

18.   Regarding claim 5, Barnett disclosed a method wherein determining whether the
request for the resource included a visitor identifier further comprises the steps of:
comparing the visitor identifier with a range of valid visitor identifiers (column 16, lines
41-65 and Fig. 17); and, in response to the visitor identifier being outside the range of
valid visitor identifiers, indicating that the request did not include the visitor identifier
(column 16, lines 41-65 and Fig. 17).

19.   Regarding claim 7, Barnett disclosed a method wherein categorizing data
received with the request for the resource comprises the steps of: categorizing the data
received with the request for the resource by at least one selected from the group
consisting of a visitor identifier, a page identifier, and a time stamp (column 16, lines 41-
65 and Fig. 17).

20.   Regarding claim 9, Barnett disclosed a method wherein step e.) comprises:

repeating steps a-d for a predetermined amount of time (column 20, lines 27-34).

21.   Regarding claim 10, Barnett disclosed a method wherein step e.) comprises:

repeating steps a-d until receiving a particular request for a resource (column 16, lines

41-65 and Fig. 17).

22.   Regarding claim 13, Barnett disclosed a device where a cookie handler for

testing the requested for the resource and creating the visitor identifier further

comprises: a means for sending a do not repeat indicator associated with the visitor

identifier (column 16, lines 41-65 and Fig. 17), coupled to the communication interface

(column 16, lines 41-65 and Fig. 17); and, a means for checking whether the do not

repeat indicator is present in the request for the resource, coupled to the communication

interface (column 16, lines 41-65 and Fig. 17).

23.   Regarding claims 21, 25, 28, and 29 Barnett disclosed wherein the received

request identifies a resource, and the redirection request identifies the same resource

(column 15, lines 45-60).

24.   Regarding claims 22 and 26, Barnett disclosed wherein the received request

identifies an address, and the redirection request identifies the same address (column

15, lines 45-60).

25.   Regarding claim 23, Barnett wherein sending a redirection request comprises

sending a redirection request including a do not repeat indicator (column 16, lines 41-65

and Fig. 17).

26.   Regarding claim 24, Barnett disclosed c.1) responsive to the request not

including a do not repeat indicator (column 16, lines 41-65 and Fig. 17); assigning a

new visitor identifier; and sending a redirection request with the new visitor identifier and

a do not repeat indicator to the client (column 16, lines 41-65 and Fig. 17).

27.   Regarding claim 27, Barnett disclosed wherein receiving a redirection request

comprises receiving a redirection request including a do not repeat indicator, and

wherein sending the request for a resource with the new visitor identifier comprises

sending the request for a resource with the new visitor identifier including

the do not repeat indicator (column 16, lines 41-65 and Fig. 17).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-

3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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